

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA,) CASE NO. 4:17-CR-058-Y
)
Government,)
) FORT WORTH, TEXAS
VERSUS)
) FEBRUARY 25, 2020
JORDAN LEE BELL,)
)
Defendant.) 11:13 A.M.

VOLUME 1 OF 1
TRANSCRIPT OF REVOCATION
BEFORE THE HONORABLE TERRY R. MEANS
UNITED STATES DISTRICT COURT JUDGE

A P P E A R A N C E S:

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I N D E XPROCEEDINGPAGE

Defendant's plea of true.....	04
Statements on Revocation	
By Ms. Serrano.....	05
By Mr. Steven Bell.....	09
By the Defendant.....	12
Sentence of the Court.....	15
Objection to Sentence.....	17
Reporter's Certificate.....	20
Word Index.....	21

P R O C E E D I N G S

February 25, 2020 - 11:13 a.m.

THE COURT: Next before the Court is the Petition for Offender Under Supervision in Case Number 4:17-CR-058-Y, United States of America versus Jordan Lee Bell.

Are the parties ready to proceed?

MR. SMITH: Good morning. Shawn Smith for the United States. The government is ready.

MS. SERRANO: Jaidee Serrano on behalf of Mr. Brook Antonio representing Mr. Jordan Bell in this case.

THE COURT: All right. Mr. Bell, please acknowledge your presence in court for the record by stating your full name.

THE DEFENDANT: Jordan Lee Bell.

THE COURT: Mr. Bell, it is alleged in a Petition for Offender Under Supervision that you have violated certain conditions of your supervised release.

In particular, it is alleged that when you viewed sexually explicit material via a smart television in your bedroom by searching YouTube and Netflix for movies containing nudity, specifically videos of children between the ages of 5 or 6 to 17, and when you viewed sexually explicit material on your personal computer, and when you submitted sex offender and supplemental report forms and were untruthful -- you were untruthful when answering the question, have you viewed

1 pornography, you violated standard condition number 3 and the
2 additional condition prohibiting you from possessing or having
3 under your control any pornographic matter or any matter that
4 sexually depicts minors under the age of 18.

5 It's also alleged that when you accessed the created
6 user accounts on Tumblr, YouTube, GroupMe, and LinkedIn social
7 networking websites without permission, you violated the
8 additional condition prohibiting from you maintaining or
9 creating a user account on any social networking site.

10 How do you plead to each of those allegations
11 against you, sir, true or not true?

12 *THE DEFENDANT:* True.

13 *THE COURT:* Does the government have anything to
14 present to the Court in support of the defendant's plea of
15 true?

16 *MR. SMITH:* Just the petition, Your Honor.

17 *THE COURT:* Say it again?

18 *MR. SMITH:* Just the information in the petition.

19 *THE COURT:* All right. Thank you.

20 Does the defendant have anything to present to the
21 Court, either on the question of revocation or the appropriate
22 sentence in the event of revocation?

23 *MS. SERRANO:* Both, Your Honor, and it would be
24 argument.

25 *THE COURT:* Go ahead.

1 MS. SERRANO: Thank you.

2 Regarding the revocation, before this Court are
3 three conditions, the standard condition number 3 and
4 additional conditions 11 and 8. It is our position that
5 conditions 11 and 8 have constitutional infirmities --

6 THE COURT: I'm sorry, I've got a hearing problem
7 this morning.

8 THE REPORTER: I'm having trouble hearing her, too.

9 THE COURT: Well, we've both got bad ears, so could
10 you speak up a little?

11 MS. SERRANO: I will, Your Honor. Better?

12 THE COURT: Yes. Thank you.

13 MS. SERRANO: We object to condition 11 and 8 for
14 the following reasons:

15 The first one is, specifically, because we believe
16 that it is overly vague because it doesn't properly put on
17 notice a person of what conduct is prohibited. If you read
18 condition 11, it says that the defendant shall neither possess
19 nor have under his control any pornographic matter.

20 This extends to adult porn. Because adult porn is
21 protected by the First Amendment, we would also allege that it
22 violates the First Amendment as being overly broad as written
23 and also in its application. It would apply the same for
24 condition number 8.

25 Also concerning condition number 8, when we look at

1 the language, specifically -- let me not misspeak. Without
2 prior approval of the probation officer, the defendant shall
3 not maintain or create a user account on any social networking
4 site that allows access to persons under the age of 18 or
5 allows for the exchange of sexually explicit material, chat
6 conversations, or instant messaging.

7 That also presents a problem, specifically, in the
8 following example. Let's say Mr. Bell has an iPhone. The
9 program that is provided automatically by the iPhone is
10 iMessaging, and iMessaging is considered to be within the
11 classification of chat conversations.

12 So, let's say that he is under supervision, he is
13 abiding by all the conditions, but then he uses iMessage to
14 chat with everyone, friends, family, in a nonviolative way.
15 In the condition, he's still found as being in violation of
16 the condition per se.

17 So because this presents certain problems in which
18 it goes to conduct that is actually not illegal, but also
19 protected within the First Amendment in just regular social
20 norms, we would object to that.

21 I understand that the Court may still deny the
22 objection and move forward on the revocation, however, we do
23 firmly believe that there are constitutional infirmities to
24 these two conditions, and we would like the Fifth Circuit to
25 be able to take a look at that and be able to provide us

1 guidance moving forward, especially with the imposition of
2 extra conditions of supervision that may be the same.

3 And then as to the sentencing regarding his
4 revocation, we are going to ask this Court to please consider
5 holding this in abeyance for the following reasons, not just
6 because of our legal objections, but also because this Court
7 has been provided, this past Thursday afternoon, exhibits
8 regarding Mr. Bell's progress, both in school with a 3.3 --

9 *THE COURT:* Regarding his what?

10 *MS. SERRANO:* His progress in school, a 3.3 GPA
11 average, a letter of recommendation from his employer, and as
12 well as being part of the honor society.

13 *THE COURT:* I did get those, and I did read them.

14 *MS. SERRANO:* Thank you.

15 So we would like to hold this in abeyance until at
16 least on or after the date of May 15th for the following
17 reasons:

18 First, allow him to finish his semester and take all
19 of his finals, and also because recently, in the past two
20 months, even though Mr. Bell has never missed a counseling
21 session, he has been struggling with counselors. He's
22 actually finally with a counselor for the past two months. I
23 believe it's the director of the center, who has more than 25
24 years experience, that is actually making progress with him.
25 He has been able to actually control and address these urges

1 these past two months and not violate any of his conditions
2 since then, and that is progress, Your Honor.

3 Usually people who are in this court with offenses
4 of this nature don't have a high percentage rate of being
5 rehabilitated, and Mr. Bell can actually be one of those few
6 individuals who does not go into any type of predatory natural
7 behavior and actually is able to address what needs to be
8 addressed moving forward.

9 He has -- regarding the activity that is being
10 alleged in the petition, even though he did search for
11 pornographic material that may have depicted children, he
12 never accessed that. He never had it. So the activity that
13 is within the petition is actually within adult porn, so he
14 tried, but he wasn't able to achieve it. And when he was
15 pulled in by the PO and his counselor, he actually stopped for
16 three months, and then just kept on struggling and working
17 with his treatment and his programming.

18 Throughout his whole entire time of supervision, he
19 has been either in school full-time or working. Right now, he
20 is a full-time student in accounting.

21 And so I pose all of this to this Court so that
22 Mr. Bell can be given a chance to actually prove that he -- he
23 knows how to do this. He's doing it right, but to be honest,
24 he's not going to get it right the first time, Your Honor. No
25 one ever does. And he's finally doing it in a way, with the

1 support of his father, who is here and would like to address
2 the Court, if the Court allows, to be able to do it in a
3 successful way.

4 Your Honor, for the years that I have been doing
5 this, in all the kiddie porn cases that I have seen, Mr. Bell
6 actually may have a chance of not being of a recidivist and
7 actually may have a chance of getting fully rehabilitated, and
8 I think that we should give him that chance, especially at
9 such a young age where intervention is when it has to be, and
10 I don't think that incarceration will benefit anyone.

11 So, if this Court is not going to hold it in
12 abeyance until May 15th, then at least allow him to
13 self-surrender after that date to be able to finish his
14 studies, continue his treatment, and then this Court can
15 continue acquiring progress reports as to how he's doing until
16 we either have another revocation hearing that's held in
17 abeyance or self-surrenders.

18 And at this time, if the Court allows, Mr. -- his
19 father, Mr. Bell, would like to address the Court.

20 *THE COURT:* All right.

21 *MS. SERRANO:* Thank you.

22 *THE COURT:* We meet again.

23 *MR. STEVEN BELL:* Yes, sir.

24 Your Honor, thank you for the opportunity to address
25 the Court today on behalf of my son, Jordan. I do sincerely

1 appreciate it.

2 Just over two years ago, I stood in this courtroom
3 and expressed to you that I'm 100 percent committed to my son
4 and would retire from the military in order to be present
5 during his supervised release.

6 *THE COURT:* I asked you to do that and I appreciate
7 the fact that you did.

8 *MR. STEVEN BELL:* I want you to know that my
9 commitment is unwavering still today, and I plan to help
10 Jordan through the remainder of his treatment, as well as his
11 journey through college.

12 After I retired, I decided to avoid the defense
13 contractors because I knew the demand would keep me away from
14 home more. I ultimately settled on a new position there on
15 base as a civilian recruiter where I work to recruit and
16 retain Air Force talent. The position allows me maximum
17 flexibility to be home in the evenings, as well as weekends.

18 I'm disappointed to be standing here today, I truly
19 am, but as I look back on the last two years, I see where my
20 focus may have been in the wrong place. When Jordan initially
21 came home, I immediately set my sight on college, as I figured
22 that was the most important task at hand and to get him moving
23 forward and back on track.

24 At the time, I pressed Officer Tirhi for internet
25 access and enrolled Jordan into classes, neglecting to

1 consider that Jordan's treatment should have been my number
2 one priority. Jordan has moved -- as Ms. Serrano explained to
3 you, he's moved through counselors over his time at PSY, and
4 then just recently was assigned Ezio over the last two months.
5 Jordan has come home and spoke very highly of his interaction
6 with Ezio, and I believe that's Jordan's best chance at
7 success.

8 At the turn of the year, whenever these violations
9 came to light, Jordan's access to the internet was suspended.
10 I contemplated withdrawing him from this spring semester.
11 After much deliberation, we decided to press forward. I
12 purchased a new desktop computer. I have it right on the
13 island in the kitchen, and he uses it only in my presence.

14 With the new position that I have, I'm able to help
15 him with his homework in the evenings. I'm there on the
16 weekends able to help him with his assignments, and, to be
17 quite honest, this configuration is actually working quite
18 well, and it probably should have been that way since day one.

19 I believe the recipe of individual therapy sessions
20 with Ezio, as well as highly restricted internet access that I
21 control, will allow him to operate within the guidelines of
22 supervision set forth by the Court. With this recipe being
23 relatively new and only two months old, the only missing item
24 right now is some time to gather data and measure success.

25 I respectfully request of the Court that you allow

1 some time for Jordan, Ezio, and myself to work together to
2 demonstrate that Jordan can indeed succeed and produce
3 tangible results out of treatment. Thank you, Your Honor.

4 *THE COURT:* Thank you, sir.

5 Mr. Bell, do you wish to be heard?

6 *THE DEFENDANT:* Yes, sir.

7 *THE COURT:* Go ahead.

8 *THE DEFENDANT:* If I may, I prepared a letter.

9 *THE COURT:* Just don't read too fast.

10 *THE DEFENDANT:* Yes, sir.

11 I would like to start by apologizing to the Court
12 and my family for my actions. I've just now begun to realize
13 how many are directly and indirectly affected by the choices
14 that I make.

15 Judge Means, I've been nervous to come and speak
16 with you and answer to my actions, but it's also been
17 relieving to know that I don't have access to the things that
18 have tempted me in the past. I've had time to go back and
19 self-analyze, and I feel as though I got computer access too
20 soon in my supervised release and I wasn't ready for that kind
21 of responsibility. I realize that I should have been focusing
22 on treatment.

23 I've been assigned multiple different counselors,
24 but two months ago I started my individual sessions with
25 Dr. Ezio Leite. He's challenged me and guided me through my

1 obsessive compulsion and depression, and I feel like I can
2 finally be completely open and honest with him. I let him
3 inside my mind and he works with me to help me.

4 He's been able to provide me great insight so that I
5 can have better control over my mind. We've been talking
6 about how to analyze and challenge my thoughts before the
7 negative thoughts become behaviors.

8 Dr. Leite has recommended submitting weekly impulse
9 reports keeping my negative thoughts in check, and we have
10 been working together to trigger -- figure out what triggers
11 my urges. I'm learning where my impulses come from so that I
12 can have better judgment in the future, and I can use that
13 insight to find healthier alternatives to my temptations. I
14 truly believe that Dr. Leite wants the best for me and sees
15 potential in me. That has allowed me to open up to him more
16 and more each time I visit with him.

17 Since my time on supervised release, I've been able
18 to accomplish a lot at my job and at college. I earned my GED
19 and enrolled at the University of Texas at Arlington. I
20 joined two honor societies and have maintained a 3.3 GPA.

21 At my job as an assistant property manager, I was
22 awarded a bonus on behalf of the president of the company for
23 my accomplishments. It's a position that normally does not
24 award bonuses. And I know that I put these things that I love
25 in jeopardy by making mistakes in my personal life, and I'm

1 working with Dr. Leite to help me put my personal life back in
2 order.

3 I know how -- I know now that it is truly important
4 in my life now to focus on the things that truly matter, and I
5 humbly ask you for the opportunity to show you that I can do
6 better with my life.

7 Thank you, Your Honor.

8 *THE COURT:* Do you remember the sentence that I gave
9 you initially?

10 *THE DEFENDANT:* Yes, sir.

11 *THE COURT:* What was it?

12 *THE DEFENDANT:* It was time served.

13 *THE COURT:* Yeah. Do you remember what the
14 guideline range was?

15 *THE DEFENDANT:* Not exactly, Your Honor.

16 *THE COURT:* Well, it was 135 to 168 months, almost
17 12 years minimum, and I gave you time served, and then you
18 went out there and shoved it right back in my face and went on
19 with your behavior.

20 I'm terribly disappointed. I have a reputation,
21 too, and I need to have a reputation for fairness, and for not
22 showing leniency when it shouldn't be shown, and not showing
23 harshness when it shouldn't be shown, and I went way out on a
24 limb for you and you sawed it right off. That's hard to
25 forget.

1 I'm not unwilling to consider what you've just said.
2 I'm going to have a brief visit with your probation officer,
3 and then I'll have a decision for you in just a moment.

4 *(Bench conference with probation officer)*

5 *THE COURT:* Okay. Let's begin.

6 Does the government wish to be heard?

7 *MR. SMITH:* No, Your Honor. Thank you.

8 *THE COURT:* Then I'll announce my decision and the
9 attorneys will have a final chance to make legal objections.

10 I adopt the statements contained in the supervised
11 release petition, and I've additionally considered all the
12 evidence and the arguments presented in the Petition for
13 Offender Under Supervision and what has been said here.

14 I find that Jordan Lee Bell has violated the
15 following conditions of supervision:

16 Standard condition number 3 regarding answering
17 truthfully all inquiries by the probation officer and
18 following all instructions; the additional condition regarding
19 neither possessing nor having under his control any
20 pornographic matter or any matter that sexually depicts minors
21 under the age of 18, including but not limited to matter
22 obtained through access to any computer and any matter linked
23 to computer access or use; and the additional condition
24 regarding not having prior approval to maintain or create a
25 user account on any social networking site that allows access

1 to persons under the age of 18 or allows for the exchange of
2 sexually explicit material, chat conversations, or instant
3 messaging.

4 The United States Sentencing Commission policy
5 statements contained in Chapter 7 of the guidelines manual
6 regarding supervised release violations have been duly
7 considered.

8 It is the judgment of the Court that Jordan Lee Bell
9 in Case Number 4:17-CR-058-Y be committed to the custody of
10 the Federal Bureau of Prisons for a term of 24 months pursuant
11 to sentencing guideline Section 7B1.4(a).

12 Upon release from confinement, Mr. Bell shall be
13 returned to supervised release under the same conditions as
14 were set out in the judgment in a criminal case in this case,
15 Case Number 4:17-CR-058-Y, on November 14, 2017, plus any
16 conditions added or modified since the date of sentencing.
17 This term of supervised release is for the defendant's natural
18 life.

19 While under supervision, Mr. Bell has failed to
20 answer truthfully all inquiries by the probation officer,
21 viewed sexually explicit material, and accessed and created
22 user accounts on social networking websites without
23 permission, making him a risk to the community. This sentence
24 addresses the violation conduct committed by Mr. Bell and will
25 serve as a deterrence from further criminal activity.

1 A sentence of 24 months, the statutory maximum
2 sentence, is necessary given the time-served sentence imposed
3 by this Court and this Judge under the defendant's original
4 conviction -- upon the defendant's original conviction.

5 His guideline range at his sentencing was 135 to 168
6 months. Rather than prove himself deserving of the
7 extraordinary leniency shown to him by the Court, he quickly
8 returned to his criminal involvement with pornography.

9 The primary reasons the Court gave for assessing
10 such a lenient sentence, his age, 18, and his vulnerability in
11 prison, no longer apply. He is now over 21 and is not
12 physically weak.

13 The defendant must be made to understand that
14 viewing pornography, especially child pornography, will not be
15 tolerated by this Court or this society.

16 I've now stated the sentence and reasons therefor.
17 I call upon the parties to indicate any legal reason why
18 sentence may not be imposed as stated.

19 *MR. SMITH:* No objection, Your Honor.

20 *MS. SERRANO:* Only the reasons set forth during the
21 argument regarding the constitutionality of condition 8 and
22 11.

23 *THE COURT:* That's a reassertion of those points.
24 They are overruled.

25 Sentence is imposed as stated, however, I will allow

1 you to report --

2 You say May 15 is when you finish?

3 *THE DEFENDANT:* Yes, Your Honor.

4 *THE COURT:* I require you to report on May 18 at the
5 institution designated by the Bureau of Prisons. You'll be
6 informed by either the probation officer or by the marshal as
7 to when and where to report.

8 If, between now and then -- this is another break
9 I'm giving you. I just don't want to interrupt your progress
10 in school. If you get depressed and you stop going to class,
11 we're going to know about it and I'll take you into custody
12 then.

13 So if you can't keep yourself going because of the
14 disappointment and the fact that you're facing 24 months,
15 we'll get you started in prison and get you started on the
16 sentence, but if you're able to continue to work and study and
17 keep up with your classes, then I'll allow you to finish this
18 semester.

19 Fair enough?

20 *THE DEFENDANT:* Yes, Your Honor.

21 *THE COURT:* Okay. Remember, you'll be instructed as
22 to when and where to report.

23 You have the right to appeal the sentence that I
24 have imposed. You also have the right to apply for leave to
25 appeal in forma pauperis, if you're unable to pay the costs of

1 an appeal.

2 Your counsel is going to hand you a notice of right
3 to appeal sentence. Please understand that this is the
4 Court's notice to you that you have the right to appeal. It
5 is not your notice to the Court that you are, in fact,
6 appealing.

7 Based on what the -- your counsel has said, it
8 appears that there may be, and they recommend an appeal, that
9 is your right, and if you do that, you would still have to
10 start serving the sentence.

11 Do you have any questions, sir?

12 *THE DEFENDANT:* No, Your Honor.

13 *THE COURT:* All right. Show up on the 18th.

14 Dad, I'm sorry.

15 *MR. STEVEN BELL:* Thank you for your consideration,
16 Your Honor.

17 *THE COURT:* I hope you'll hang in there.

18 *MR. STEVEN BELL:* Absolutely.

19 *THE COURT:* He's still going to need your help.

20 *MR. STEVEN BELL:* Absolutely.

21 *THE COURT:* That completes the morning docket.

22 Is there something else?

23 *MS. SERRANO:* No. May we be excused?

24 *THE COURT:* Yes.

25 *MS. SERRANO:* Thank you.

1 COURT SECURITY OFFICER: All rise.

2 (End of Proceedings)

3 **REPORTER'S CERTIFICATE**

4 I, Debra G. Saenz, CSR, RMR, CRR, certify that the
5 foregoing is a true and correct transcript from the record
6 of proceedings in the foregoing entitled matter.

7 I further certify that the transcript fees format
8 comply with those prescribed by the Court and the Judicial
9 Conference of the United States.

10 Signed this 22nd day of May, 2020.

11
12 /s/ Debra G. Saenz

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15 Official Court Reporter
16 The Northern District of Texas
17 Fort Worth Division

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/	12/19 15/22 15/23 15/25	19/5
/s [1] 20/12	accessed [3] 4/5 8/12 16/21	argument [2] 4/24 17/21
0	accomplish [1] 13/18	arguments [1] 15/12
04 [1] 2/3	accomplishments [1] 13/23	Arlington [1] 13/19
05 [1] 2/5	account [3] 4/9 6/3 15/25	as [25]
09 [1] 2/6	accounting [1] 8/20	ask [2] 7/4 14/5
1	accounts [2] 4/6 16/22	asked [1] 10/6
1/31/2022 [1] 20/17	achieve [1] 8/14	assessing [1] 17/9
100 percent [1] 10/3	acknowledge [1] 3/11	assigned [2] 11/4 12/23
10th [2] 1/21 20/18	acquiring [1] 9/15	assignments [1] 11/16
11 [5] 5/4 5/5 5/13 5/18 17/22	actions [2] 12/12 12/16	assistant [2] 1/18 13/21
11:13 [2] 1/8 3/2	activity [3] 8/9 8/12 16/25	attorneys [1] 15/9
12 [2] 2/7 14/17	actually [12] 6/18 7/22 7/24 7/25 8/5 8/7	automatically [1] 6/9
135 [2] 14/16 17/5	8/13 8/15 8/22 9/6 9/7 11/17	average [1] 7/11
14 [1] 16/15	added [1] 16/16	avoid [1] 10/12
15 [2] 2/8 18/2	additional [5] 4/2 4/8 5/4 15/18 15/23	award [1] 13/24
15th [2] 7/16 9/12	additionally [1] 15/11	awarded [1] 13/22
168 [2] 14/16 17/5	address [7] 7/25 8/7 9/1 9/19 9/24 20/18	away [1] 10/13
17 [2] 2/9 3/22	20/21	B
1700 [1] 1/15	addressed [1] 8/8	back [5] 10/19 10/23 12/18 14/1 14/18
18 [6] 4/4 6/4 15/21 16/1 17/10 18/4	addresses [1] 16/24	bad [1] 5/9
18th [1] 19/13	adopt [1] 15/10	base [1] 10/15
2	adult [3] 5/20 5/20 8/13	Based [1] 19/7
20 [1] 2/10	affected [1] 12/13	be [30]
2017 [1] 16/15	after [4] 7/16 9/13 10/12 11/11	because [9] 5/15 5/16 5/20 6/17 7/6 7/6
2020 [3] 1/6 3/2 20/10	afternoon [1] 7/7	7/19 10/13 18/13
2022 [1] 20/17	again [2] 4/17 9/22	become [1] 13/7
21 [2] 2/11 17/11	against [1] 4/11	bedroom [1] 3/20
22nd [1] 20/10	age [6] 4/4 6/4 9/9 15/21 16/1 17/10	been [18] 7/7 7/21 7/25 8/19 9/4 10/20
24 [3] 16/10 17/1 18/14	ages [1] 3/21	11/1 11/18 12/15 12/16 12/21 12/23
25 [3] 1/6 3/2 7/23	ago [2] 10/2 12/24	13/4 13/5 13/10 13/17 15/13 16/6
3	ahead [2] 4/25 12/7	before [4] 1/11 3/3 5/2 13/6
3.3 [3] 7/8 7/10 13/20	Air [1] 10/16	begin [1] 15/5
3158 [1] 20/13	all [13] 3/11 4/19 6/13 7/18 8/21 9/5	begun [1] 12/12
4	9/20 15/11 15/17 15/18 16/20 19/13	behalf [3] 3/9 9/25 13/22
424 [2] 1/21 20/18	20/1	behavior [2] 8/7 14/19
4:17-CR-058-Y [4] 1/4 3/4 16/9 16/15	allegations [1] 4/10	behaviors [1] 13/7
5	allege [1] 5/21	being [7] 5/22 6/15 7/12 8/4 8/9 9/6
501 [2] 1/21 20/18	alleged [4] 3/15 3/18 4/5 8/10	11/22
6	allow [6] 7/18 9/12 11/21 11/25 17/25	believe [6] 5/15 6/23 7/23 11/6 11/19
6882 [1] 1/16	18/17	13/14
7	allowed [1] 13/15	BELL [19] 1/7 2/6 3/5 3/10 3/11 3/14
76102 [3] 1/19 1/22 20/18	allows [7] 6/4 6/5 9/2 9/18 10/16 15/25	3/15 6/8 7/20 8/5 8/22 9/5 9/19 12/5
76102-6882 [1] 1/16	16/1	15/14 16/8 16/12 16/19 16/24
7B1.4 [1] 16/11	almost [1] 14/16	Bell's [1] 7/8
8	also [10] 4/5 5/21 5/23 5/25 6/7 6/18 7/6	Bench [1] 15/4
801 [1] 1/15	7/19 12/16 18/24	benefit [1] 9/10
817.252.5200 [1] 1/16	alternatives [1] 13/13	best [2] 11/6 13/14
817.850.6661 [2] 1/22 20/20	am [1] 10/19	better [4] 5/11 13/5 13/12 14/6
817.978.2753 [1] 1/20	Amendment [3] 5/21 5/22 6/19	between [2] 3/21 18/8
819 [1] 1/19	AMERICA [2] 1/4 3/5	bonus [1] 13/22
9	analyze [2] 12/19 13/6	bonuses [1] 13/24
9A10 [1] 1/19	announce [1] 15/8	both [3] 4/23 5/9 7/8
A	another [2] 9/16 18/8	break [1] 18/8
a.m [2] 1/8 3/2	answer [2] 12/16 16/20	brief [1] 15/2
abeyance [4] 7/5 7/15 9/12 9/17	answering [2] 3/25 15/16	broad [1] 5/22
abiding [1] 6/13	Antonio [1] 3/10	Brook [1] 3/9
able [12] 6/25 6/25 7/25 8/7 8/14 9/2	any [15] 4/3 4/3 4/9 5/19 6/3 8/1 8/6	Bureau [2] 16/10 18/5
9/13 11/14 11/16 13/4 13/17 18/16	15/19 15/20 15/22 15/22 15/25 16/15	Business [1] 20/18
about [2] 13/6 18/11	17/17 19/11	C
Absolutely [2] 19/18 19/20	anyone [1] 9/10	call [1] 17/17
access [9] 6/4 10/25 11/9 11/20 12/17	anything [2] 4/13 4/20	came [2] 10/21 11/9
	apologizing [1] 12/11	can [9] 8/5 8/22 9/14 12/2 13/1 13/5
	appeal [6] 18/23 18/25 19/1 19/3 19/4	13/12 13/12 14/5
	19/8	can't [1] 18/13
	appealing [1] 19/6	case [7] 1/4 3/4 3/10 16/9 16/14 16/14
	appears [1] 19/8	16/15
	application [1] 5/23	cases [1] 9/5
	apply [3] 5/23 17/11 18/24	center [1] 7/23
	appreciate [2] 10/1 10/6	certain [2] 3/16 6/17
	appropriate [1] 4/21	Certificate [2] 2/10 20/3
	approval [2] 6/2 15/24	
	are [8] 3/6 5/2 6/23 7/4 8/3 12/13 17/24	

C	D	
<p>certify [2] 20/4 20/7 challenge [1] 13/6 challenged [1] 12/25 chance [6] 8/22 9/6 9/7 9/8 11/6 15/9 Chapter [1] 16/5 chat [4] 6/5 6/11 6/14 16/2 check [1] 13/9 Cherry [1] 1/15 child [1] 17/14 children [2] 3/21 8/11 choices [1] 12/13 Circuit [1] 6/24 civilian [1] 10/15 class [1] 18/10 classes [2] 10/25 18/17 classification [1] 6/11 college [3] 10/11 10/21 13/18 come [3] 11/5 12/15 13/11 Commission [1] 16/4 commitment [1] 10/9 committed [3] 10/3 16/9 16/24 community [1] 16/23 company [1] 13/22 completely [1] 13/2 completes [1] 19/21 comply [1] 20/8 compulsion [1] 13/1 computer [6] 1/25 3/23 11/12 12/19 15/22 15/23 concerning [1] 5/25 condition [14] 4/1 4/2 4/8 5/3 5/13 5/18 5/24 5/25 6/15 6/16 15/16 15/18 15/23 17/21 conditions [11] 3/17 5/3 5/4 5/5 6/13 6/24 7/2 8/1 15/15 16/13 16/16 conduct [3] 5/17 6/18 16/24 conference [2] 15/4 20/9 configuration [1] 11/17 confinement [1] 16/12 consider [3] 7/4 11/1 15/1 consideration [1] 19/15 considered [3] 6/10 15/11 16/7 constitutional [2] 5/5 6/23 constitutionality [1] 17/21 contained [2] 15/10 16/5 containing [1] 3/20 contemplated [1] 11/10 continue [3] 9/14 9/15 18/16 contractors [1] 10/13 control [6] 4/3 5/19 7/25 11/21 13/5 15/19 conversations [3] 6/6 6/11 16/2 conviction [2] 17/4 17/4 correct [1] 20/5 costs [1] 18/25 could [1] 5/9 counsel [2] 19/2 19/7 counseling [1] 7/20 counselor [2] 7/22 8/15 counselors [3] 7/21 11/3 12/23 court [32] Court's [1] 19/4 courtroom [1] 10/2 CR [4] 1/4 3/4 16/9 16/15 create [2] 6/3 15/24 created [2] 4/5 16/21 creating [1] 4/9 criminal [3] 16/14 16/25 17/8 CRR [3] 1/21 20/4 20/13 CSR [5] 1/21 20/4 20/13 20/13 20/17 custody [2] 16/9 18/11</p>	<p>Dad [1] 19/14 data [1] 11/24 date [3] 7/16 9/13 16/16 day [2] 11/18 20/10 debbie.saenz [2] 1/23 20/21 DEBRA [4] 1/21 20/4 20/12 20/13 decided [2] 10/12 11/11 decision [2] 15/3 15/8 defendant [7] 1/8 1/17 2/7 4/20 5/18 6/2 17/13 defendant's [5] 2/3 4/14 16/17 17/3 17/4 DEFENDER [1] 1/18 defense [1] 10/12 deliberation [1] 11/11 demand [1] 10/13 demonstrate [1] 12/2 deny [1] 6/21 DEPARTMENT [1] 1/14 depicted [1] 8/11 depicts [2] 4/4 15/20 depressed [1] 18/10 depression [1] 13/1 deserving [1] 17/6 designated [1] 18/5 desktop [1] 11/12 deterrence [1] 16/25 did [4] 7/13 7/13 8/10 10/7 different [1] 12/23 directly [1] 12/13 director [1] 7/23 disappointed [2] 10/18 14/20 disappointment [1] 18/14 DISTRICT [6] 1/1 1/2 1/11 1/15 1/18 20/14 DIVISION [2] 1/3 20/15 do [12] 4/10 6/22 8/23 9/2 9/25 10/6 12/5 14/5 14/8 14/13 19/9 19/11 docket [1] 19/21 does [6] 4/13 4/20 8/6 8/25 13/23 15/6 doesn't [1] 5/16 doing [4] 8/23 8/25 9/4 9/15 don't [5] 8/4 9/10 12/9 12/17 18/9 Dr [1] 14/1 Dr. [3] 12/25 13/8 13/14 Dr. Ezio [1] 12/25 Dr. Leite [2] 13/8 13/14 duly [1] 16/6 during [2] 10/5 17/20</p>	<p>exchange [2] 6/5 16/1 excused [1] 19/23 exhibits [1] 7/5 experience [1] 7/24 Expires [1] 20/17 explained [1] 11/2 explicit [5] 3/19 3/22 6/5 16/2 16/21 expressed [1] 10/3 extends [1] 5/20 extra [1] 7/2 extraordinary [1] 17/7 Ezio [5] 11/4 11/6 11/20 12/1 12/25</p>
		F
		<p>face [1] 14/18 facing [1] 18/14 fact [3] 10/7 18/14 19/5 failed [1] 16/19 Fair [1] 18/19 fairness [1] 14/21 family [2] 6/14 12/12 fast [1] 12/9 father [2] 9/1 9/19 FEBRUARY [2] 1/6 3/2 FEDERAL [2] 1/18 16/10 feel [2] 12/19 13/1 fees [1] 20/7 few [1] 8/5 Fifth [1] 6/24 figure [1] 13/10 figured [1] 10/21 final [1] 15/9 finally [3] 7/22 8/25 13/2 finals [1] 7/19 find [2] 13/13 15/14 finish [4] 7/18 9/13 18/2 18/17 firmly [1] 6/23 first [6] 5/15 5/21 5/22 6/19 7/18 8/24 flexibility [1] 10/17 focus [2] 10/20 14/4 focusing [1] 12/21 following [6] 5/14 6/8 7/5 7/16 15/15 15/18 Force [1] 10/16 foregoing [2] 20/5 20/6 forget [1] 14/25 forma [1] 18/25 format [1] 20/7 forms [1] 3/24 FORT [7] 1/3 1/5 1/16 1/19 1/22 20/15 20/18 forth [2] 11/22 17/20 forward [5] 6/22 7/1 8/8 10/23 11/11 found [1] 6/15 friends [1] 6/14 full [3] 3/12 8/19 8/20 full-time [2] 8/19 8/20 fully [1] 9/7 further [2] 16/25 20/7 future [1] 13/12</p>
		G
		<p>gather [1] 11/24 gave [3] 14/8 14/17 17/9 GED [1] 13/18 get [6] 7/13 8/24 10/22 18/10 18/15 18/15 getting [1] 9/7 give [1] 9/8 given [2] 8/22 17/2 giving [1] 18/9 go [4] 4/25 8/6 12/7 12/18 goes [1] 6/18</p>

<p>G</p> <p>going [9] 7/4 8/24 9/11 15/2 18/18 18/11 18/13 19/2 19/19</p> <p>Good [1] 3/7</p> <p>got [3] 5/6 5/9 12/19</p> <p>government [5] 1/5 1/14 3/8 4/13 15/6</p> <p>GPA [2] 7/10 13/20</p> <p>great [1] 13/4</p> <p>GroupMe [1] 4/6</p> <p>guidance [1] 7/1</p> <p>guided [1] 12/25</p> <p>guideline [3] 14/14 16/11 17/5</p> <p>guidelines [2] 11/21 16/5</p>	<p>impulse [1] 13/8</p> <p>impulses [1] 13/11</p> <p>incarceration [1] 9/18</p> <p>including [1] 15/21</p> <p>indeed [1] 12/2</p> <p>Index [1] 2/11</p> <p>indicate [1] 17/17</p> <p>indirectly [1] 12/13</p> <p>individual [2] 11/19 12/24</p> <p>individuals [1] 8/6</p> <p>infirmities [2] 5/5 6/23</p> <p>information [1] 4/18</p> <p>informed [1] 18/6</p> <p>initially [2] 10/20 14/9</p> <p>inquiries [2] 15/17 16/20</p> <p>inside [1] 13/3</p> <p>insight [2] 13/4 13/13</p> <p>instant [2] 6/6 16/2</p> <p>institution [1] 18/5</p> <p>instructed [1] 18/21</p> <p>instructions [1] 15/18</p> <p>interaction [1] 11/5</p> <p>internet [3] 10/24 11/9 11/20</p> <p>interrupt [1] 18/9</p> <p>intervention [1] 9/9</p> <p>involvement [1] 17/8</p> <p>iPhone [2] 6/8 6/9</p> <p>is [43]</p> <p>island [1] 11/13</p> <p>it [35]</p> <p>it's [4] 4/5 7/23 12/16 13/23</p> <p>item [1] 11/23</p> <p>its [1] 5/23</p>	<p>lenient [1] 17/10</p> <p>let [2] 6/1 13/2</p> <p>let's [3] 6/8 6/12 15/5</p> <p>letter [2] 7/11 12/8</p> <p>life [5] 13/25 14/1 14/4 14/6 16/18</p> <p>light [1] 11/9</p> <p>like [6] 6/24 7/15 9/1 9/19 12/11 13/1</p> <p>limb [1] 14/24</p> <p>limited [1] 15/21</p> <p>linked [1] 15/22</p> <p>LinkedIn [1] 4/6</p> <p>little [1] 5/10</p> <p>longer [1] 17/11</p> <p>look [3] 5/25 6/25 10/19</p> <p>lot [1] 13/18</p> <p>love [1] 13/24</p>
<p>H</p> <p>had [2] 8/12 12/18</p> <p>hand [2] 10/22 19/2</p> <p>hang [1] 19/17</p> <p>hard [1] 14/24</p> <p>harshness [1] 14/23</p> <p>has [17] 6/8 7/7 7/20 7/21 7/23 7/25 8/9 8/19 9/9 11/2 11/5 13/8 13/15 15/13 15/14 16/19 19/7</p> <p>has -- regarding [1] 8/9</p> <p>have [37]</p> <p>having [4] 4/2 5/8 15/19 15/24</p> <p>he [21]</p> <p>he's [10] 6/15 7/21 8/23 8/24 8/25 9/15 11/3 12/25 13/4 19/19</p> <p>healthier [1] 13/13</p> <p>heard [2] 12/5 15/6</p> <p>hearing [3] 5/6 5/8 9/16</p> <p>held [1] 9/16</p> <p>help [6] 10/9 11/14 11/16 13/3 14/1 19/19</p> <p>her [1] 5/8</p> <p>here [3] 9/1 10/18 15/13</p> <p>high [1] 8/4</p> <p>highly [2] 11/5 11/20</p> <p>him [15] 7/18 7/24 9/8 9/12 10/22 11/10 11/15 11/16 11/21 13/2 13/2 13/15 13/16 16/23 17/7</p> <p>himself [1] 17/6</p> <p>his [29]</p> <p>hold [2] 7/15 9/11</p> <p>holding [1] 7/5</p> <p>home [4] 10/14 10/17 10/21 11/5</p> <p>homework [1] 11/15</p> <p>honest [3] 8/23 11/17 13/2</p> <p>honor [18] 4/16 4/23 5/11 7/12 8/2 8/24 9/4 9/24 12/3 13/20 14/7 14/15 15/7 17/19 18/3 18/20 19/12 19/16</p> <p>HONORABLE [1] 1/11</p> <p>hope [1] 19/17</p> <p>how [6] 4/10 8/23 9/15 12/13 13/6 14/3</p> <p>how -- I [1] 14/3</p> <p>however [2] 6/22 17/25</p> <p>humbly [1] 14/5</p>	<p>J</p> <p>JAIDEE [2] 1/17 3/9</p> <p>jeopardy [1] 13/25</p> <p>job [2] 13/18 13/21</p> <p>joined [1] 13/20</p> <p>JORDAN [14] 1/7 3/5 3/10 3/14 9/25 10/10 10/20 10/25 11/2 11/5 12/1 12/2 15/14 16/8</p> <p>Jordan's [3] 11/1 11/6 11/9</p> <p>journey [1] 10/11</p> <p>JUDGE [3] 1/11 12/15 17/3</p> <p>judgment [3] 13/12 16/8 16/14</p> <p>Judicial [1] 20/8</p> <p>just [12] 4/16 4/18 6/19 7/5 8/16 10/2 11/4 12/9 12/12 15/1 15/3 18/9</p> <p>JUSTICE [1] 1/14</p>	<p>M</p> <p>made [1] 17/13</p> <p>Mail [2] 1/23 20/21</p> <p>maintain [2] 6/3 15/24</p> <p>maintained [1] 13/20</p> <p>maintaining [1] 4/8</p> <p>make [2] 12/14 15/9</p> <p>making [3] 7/24 13/25 16/23</p> <p>manager [1] 13/21</p> <p>manual [1] 16/5</p> <p>many [1] 12/13</p> <p>marshal [1] 18/6</p> <p>material [6] 3/19 3/22 6/5 8/11 16/2 16/21</p> <p>matter [9] 4/3 4/3 5/19 14/4 15/20 15/20 15/21 15/22 20/6</p> <p>maximum [2] 10/16 17/1</p> <p>may [15] 6/21 7/2 7/16 8/11 9/6 9/7 9/12 10/20 12/8 17/18 18/2 18/4 19/8 19/23 20/10</p> <p>May 15 [1] 18/2</p> <p>May 15th [2] 7/16 9/12</p> <p>May 18 [1] 18/4</p> <p>me [13] 6/1 10/13 10/16 12/18 12/25 12/25 13/3 13/3 13/4 13/14 13/15 13/15 14/1</p> <p>MEANS [2] 1/11 12/15</p> <p>measure [1] 11/24</p> <p>mechanical [1] 1/24</p> <p>meet [1] 9/22</p> <p>messaging [2] 6/6 16/3</p> <p>military [1] 10/4</p> <p>mind [2] 13/3 13/5</p> <p>minimum [1] 14/17</p> <p>minors [2] 4/4 15/20</p> <p>missed [1] 7/20</p> <p>missing [1] 11/23</p> <p>misspeak [1] 6/1</p> <p>mistakes [1] 13/25</p> <p>modified [1] 16/16</p> <p>moment [1] 15/3</p> <p>months [12] 7/20 7/22 8/1 8/16 11/4 11/23 12/24 14/16 16/10 17/1 17/6 18/14</p> <p>more [4] 7/23 10/14 13/15 13/16</p> <p>morning [3] 3/7 5/7 19/21</p> <p>most [1] 10/22</p> <p>move [1] 6/22</p> <p>moved [2] 11/2 11/3</p> <p>movies [1] 3/20</p> <p>moving [3] 7/1 8/8 10/22</p> <p>MR [2] 1/14 2/6</p> <p>Mr. [16] 3/9 3/10 3/11 3/15 6/8 7/8 7/20 8/5 8/22 9/5 9/18 9/19 12/5 16/12 16/19 16/24</p> <p>Mr. -- his [1] 9/18</p>
<p>I</p> <p>I'll [4] 15/3 15/8 18/11 18/17</p> <p>I'm [13] 5/6 5/8 10/3 10/18 11/14 11/15 13/11 13/25 14/20 15/1 15/2 18/9 19/14</p> <p>I've [8] 5/6 12/12 12/15 12/18 12/23 13/17 15/11 17/16</p> <p>illegal [1] 6/18</p> <p>iMessage [1] 6/13</p> <p>iMessaging [2] 6/10 6/10</p> <p>immediately [1] 10/21</p> <p>important [2] 10/22 14/3</p> <p>imposed [4] 17/2 17/18 17/25 18/24</p> <p>imposition [1] 7/1</p>	<p>K</p> <p>keep [3] 10/13 18/13 18/17</p> <p>keeping [1] 13/9</p> <p>kept [1] 8/16</p> <p>kiddie [1] 9/5</p> <p>kind [1] 12/20</p> <p>kitchen [1] 11/13</p> <p>knew [1] 10/13</p> <p>know [6] 10/8 12/17 13/24 14/3 14/3 18/11</p> <p>knows [1] 8/23</p> <p>L</p> <p>language [1] 6/1</p> <p>last [2] 10/19 11/4</p> <p>learning [1] 13/11</p> <p>least [2] 7/16 9/12</p> <p>leave [1] 18/24</p> <p>LEE [5] 1/7 3/5 3/14 15/14 16/8</p> <p>legal [3] 7/6 15/9 17/17</p> <p>Leite [4] 12/25 13/8 13/14 14/1</p> <p>leniency [2] 14/22 17/7</p>	

M	P	overruled [1] 17/24	provided [2] 6/9 7/7
Mr. Bell [12] 3/11 3/15 6/6 7/20 8/5 8/22 9/5 9/19 12/5 16/12 16/19 16/24	PAGE [1] 2/2	PSY [1] 11/3	PUBLIC [1] 1/18
Mr. Bell's [1] 7/8	part [1] 7/12	pulled [1] 8/15	purchased [1] 11/12
Mr. Brook [1] 3/9	particular [1] 3/18	pursuant [1] 16/10	put [3] 5/16 13/24 14/1
Mr. Jordan [1] 3/10	parties [2] 3/6 17/17	Q	
MS [3] 1/17 1/21 2/5	past [5] 7/7 7/19 7/22 8/1 12/18	question [2] 3/25 4/21	
Ms. [1] 11/2	pauperis [1] 18/25	questions [1] 19/11	
Ms. Serrano [1] 11/2	pay [1] 18/25	quickly [1] 17/7	
much [1] 11/11	people [1] 8/3	quite [2] 11/17 11/17	
multiple [1] 12/23	per [1] 6/16	R	
must [1] 17/13	percent [1] 10/3	range [2] 14/14 17/5	
my [31]	percentage [1] 8/4	rate [1] 8/4	
myself [1] 12/1	permission [2] 4/7 16/23	Rather [1] 17/6	
N	person [1] 5/17	read [3] 5/17 7/13 12/9	
name [1] 3/13	personal [3] 3/23 13/25 14/1	ready [3] 3/6 3/8 12/20	
natural [2] 8/6 16/17	persons [2] 6/4 16/1	realize [2] 12/12 12/21	
nature [1] 8/4	petition [8] 3/3 3/15 4/16 4/18 8/10 8/13 15/11 15/12	reason [1] 17/17	
necessary [1] 17/2	physically [1] 17/12	reasons [6] 5/14 7/5 7/17 17/9 17/16 17/20	
need [2] 14/21 19/19	place [1] 10/20	reassertion [1] 17/23	
needs [1] 8/7	plan [1] 10/9	recently [2] 7/19 11/4	
negative [2] 13/7 13/9	plea [2] 2/3 4/14	recidivist [1] 9/6	
neglecting [1] 10/25	plead [1] 4/10	recipe [2] 11/19 11/22	
neither [2] 5/18 15/19	please [3] 3/11 7/4 19/3	recommend [1] 19/8	
nervous [1] 12/15	plus [1] 16/15	recommendation [1] 7/11	
Netflix [1] 3/20	PO [1] 8/15	recommended [1] 13/8	
networking [5] 4/7 4/9 6/3 15/25 16/22	points [1] 17/23	record [2] 3/12 20/5	
never [3] 7/20 8/12 8/12	policy [1] 16/4	recruit [1] 10/15	
new [4] 10/14 11/12 11/14 11/23	porn [4] 5/20 5/20 8/13 9/5	recruiter [1] 10/15	
Next [1] 3/3	pornographic [4] 4/3 5/19 8/11 15/20	regarding [10] 5/2 7/3 7/8 7/9 8/9 15/16 15/18 15/24 16/6 17/21	
no [8] 1/4 8/24 15/7 17/11 17/19 19/12 19/23 20/13	pornography [4] 4/1 17/8 17/14 17/14	regular [1] 6/19	
nonviolative [1] 6/14	pose [1] 8/21	rehabilitated [2] 8/5 9/7	
normally [1] 13/23	position [5] 5/4 10/14 10/16 11/14 13/23	relatively [1] 11/23	
norms [1] 6/20	possess [1] 5/18	release [9] 3/17 10/5 12/20 13/17 15/11 16/6 16/12 16/13 16/17	
NORTHERN [4] 1/2 1/15 1/18 20/14	possessing [2] 4/2 15/19	relieving [1] 12/17	
not [21]	potential [1] 13/15	remainder [1] 10/10	
notice [4] 5/17 19/2 19/4 19/5	predatory [1] 8/6	remember [3] 14/8 14/13 18/21	
November [1] 16/15	prepared [1] 12/8	report [5] 3/24 18/1 18/4 18/7 18/22	
November 14 [1] 16/15	prescribed [1] 20/8	reported [1] 1/24	
now [8] 8/19 11/24 12/12 14/3 14/4 17/11 17/16 18/8	presence [2] 3/12 11/13	REPORTER [2] 1/21 20/14	
nudity [1] 3/21	present [3] 4/14 4/20 10/4	Reporter's [2] 2/10 20/3	
number [9] 3/4 4/1 5/3 5/24 5/25 11/1 15/16 16/9 16/15	presented [1] 15/12	reports [2] 9/15 13/9	
O	presents [2] 6/7 6/17	representing [1] 3/10	
object [2] 5/13 6/20	president [1] 13/22	reputation [2] 14/20 14/21	
objection [3] 2/9 6/22 17/19	press [1] 11/11	request [1] 11/25	
objections [2] 7/6 15/9	pressed [1] 10/24	require [1] 18/4	
obsessive [1] 13/1	primary [1] 17/9	respectfully [1] 11/25	
obtained [1] 15/22	prior [2] 6/2 15/24	responsibility [1] 12/21	
off [1] 14/24	priority [1] 11/2	restricted [1] 11/20	
offender [4] 3/4 3/16 3/23 15/13	prison [2] 17/11 18/15	results [1] 12/3	
offenses [1] 8/3	Prisons [2] 16/10 18/5	retain [1] 10/16	
officer [7] 6/2 10/24 15/2 15/4 15/17 16/20 18/6	probably [1] 11/18	retire [1] 10/4	
Official [1] 20/14	probation [6] 6/2 15/2 15/4 15/17 16/20 18/6	retired [1] 10/12	
Okay [2] 15/5 18/21	problem [2] 5/6 6/7	returned [2] 16/13 17/8	
old [1] 11/23	problems [1] 6/17	revocation [8] 1/10 2/4 4/21 4/22 5/2 6/22 7/4 9/16	
one [5] 5/15 8/5 8/25 11/2 11/18	proceed [1] 3/6	right [16] 3/11 4/19 8/19 8/23 8/24 9/20 11/12 11/24 14/18 14/24 18/23 18/24 19/2 19/4 19/9 19/13	
only [4] 11/13 11/23 11/23 17/20	PROCEEDING [1] 2/2	rise [1] 20/1	
open [2] 13/2 13/15	proceedings [3] 1/24 20/2 20/6	risk [1] 16/23	
operate [1] 11/21	produce [1] 12/2	RMR [3] 1/21 20/4 20/13	
opportunity [2] 9/24 14/5	produced [1] 1/25	Room [3] 1/19 1/21 20/18	
order [2] 10/4 14/2	program [1] 6/9	S	
original [2] 17/3 17/4	programming [1] 8/17	SAENZ [4] 1/21 20/4 20/12 20/13	
our [2] 5/4 7/6	progress [6] 7/8 7/10 7/24 8/2 9/15 18/9		
out [5] 12/3 13/10 14/18 14/23 16/14	prohibited [1] 5/17		
over [5] 10/2 11/3 11/4 13/5 17/11	prohibiting [2] 4/2 4/8		
overly [2] 5/16 5/22	properly [1] 5/16		
	property [1] 13/21		
	protected [2] 5/21 6/19		
	prove [2] 8/22 17/6		
	provide [2] 6/25 13/4		

S	statements [3] 2/4 15/10 16/5 STATES [8] 1/1 1/4 1/11 1/14 3/5 3/8 16/4 20/9	Throughout [1] 8/18 Thursday [1] 7/7 time [15] 8/18 8/19 8/20 8/24 9/18 10/24 11/3 11/24 12/1 12/18 13/16 13/17 14/12 14/17 17/2 time-served [1] 17/2 Tirhi [1] 10/24 today [3] 9/25 10/9 10/18 together [2] 12/1 13/10 tolerated [1] 17/15 too [4] 5/8 12/9 12/19 14/21 track [1] 10/23 transcript [4] 1/10 1/24 20/5 20/7 treatment [6] 8/17 9/14 10/10 11/1 12/3 12/22 tried [1] 8/14 trigger [1] 13/10 trigger -- figure [1] 13/10 triggers [1] 13/10 trouble [1] 5/8 true [6] 2/3 4/11 4/11 4/12 4/15 20/5 truly [4] 10/18 13/14 14/3 14/4 truthfully [2] 15/17 16/20 Tumblr [1] 4/6 turn [1] 11/8 two [10] 6/24 7/19 7/22 8/1 10/2 10/19 11/4 11/23 12/24 13/20 type [1] 8/6
<p>said [3] 15/1 15/13 18/7 same [3] 5/23 7/2 16/13 sawed [1] 14/24 say [4] 4/17 6/8 6/12 18/2 says [1] 5/18 school [4] 7/8 7/10 8/19 18/10 se [1] 6/16 search [1] 8/10 searching [1] 3/20 Section [1] 16/11 see [1] 10/19 seen [1] 9/5 sees [1] 13/14 self [3] 9/13 9/17 12/19 self-analyze [1] 12/19 self-surrender [1] 9/13 self-surrenders [1] 9/17 semester [3] 7/18 11/10 18/18 sentence [16] 2/8 2/9 4/22 14/8 16/23 17/1 17/2 17/2 17/10 17/16 17/18 17/25 18/16 18/23 19/3 19/10 sentencing [5] 7/3 16/4 16/11 16/16 17/5 SERRANO [4] 1/17 2/5 3/9 11/2 serve [1] 16/25 served [3] 14/12 14/17 17/2 serving [1] 19/10 session [1] 7/21 sessions [2] 11/19 12/24 set [4] 10/21 11/22 16/14 17/20 settled [1] 10/14 sex [1] 3/23 sexually [7] 3/19 3/22 4/4 6/5 15/20 16/2 16/21 shall [3] 5/18 6/2 16/12 SHAWN [2] 1/14 3/7 should [4] 9/8 11/1 11/18 12/21 shouldn't [2] 14/22 14/23 shoved [1] 14/18 show [2] 14/5 19/13 showing [2] 14/22 14/22 shown [3] 14/22 14/23 17/7 sight [1] 10/21 Signed [1] 20/10 since [4] 8/2 11/18 13/17 16/16 sincerely [1] 9/25 sir [7] 4/11 9/23 12/4 12/6 12/10 14/10 19/11 site [3] 4/9 6/4 15/25 smart [1] 3/19 SMITH [2] 1/14 3/7 so [12] 5/9 6/12 6/17 7/15 8/12 8/13 8/21 8/21 9/11 13/4 13/11 18/13 social [6] 4/6 4/9 6/3 6/19 15/25 16/22 societies [1] 13/20 society [2] 7/12 17/15 some [2] 11/24 12/1 something [1] 19/22 son [2] 9/25 10/3 soon [1] 12/20 sorry [2] 5/6 19/14 speak [2] 5/10 12/15 specifically [4] 3/21 5/15 6/1 6/7 specifically -- let [1] 6/1 spoke [1] 11/5 spring [1] 11/10 standard [3] 4/1 5/3 15/16 standing [1] 10/18 start [2] 12/11 19/10 started [3] 12/24 18/15 18/15 stated [3] 17/16 17/18 17/25</p>	T	U
	<p>take [3] 6/25 7/18 18/11 talent [1] 10/16 talking [1] 13/5 tangible [1] 12/3 task [1] 10/22 Taylor [1] 1/19 Telephone [4] 1/16 1/20 1/22 20/20 television [1] 3/19 temptations [1] 13/13 tempted [1] 12/18 term [2] 16/10 16/17 terribly [1] 14/20 TERRY [1] 1/11 TEXAS [11] 1/2 1/5 1/15 1/16 1/18 1/19 1/22 13/19 20/13 20/14 20/18 than [2] 7/23 17/6 thank [12] 4/19 5/1 5/12 7/14 9/21 9/24 12/3 12/4 14/7 15/7 19/15 19/25 that [76] that's [4] 9/16 11/6 14/24 17/23 them [1] 7/13 then [13] 6/13 7/3 8/2 8/16 9/12 9/14 11/4 14/17 15/3 15/8 18/8 18/12 18/17 then -- this [1] 18/8 therapy [1] 11/19 there [7] 6/23 10/14 11/15 14/18 19/8 19/17 19/22 therefor [1] 17/16 these [5] 6/24 7/25 8/1 11/8 13/24 they [2] 17/24 19/8 things [3] 12/17 13/24 14/4 think [2] 9/8 9/10 this [34] those [5] 4/10 7/13 8/5 17/23 20/8 though [3] 7/20 8/10 12/19 thoughts [3] 13/6 13/7 13/9 three [2] 5/3 8/16 through [5] 10/10 10/11 11/3 12/25 15/22</p>	<p>ultimately [1] 10/14 unable [1] 18/25 under [14] 3/4 3/16 4/3 4/4 5/19 6/4 6/12 15/13 15/19 15/21 16/1 16/13 16/19 17/3 understand [3] 6/21 17/13 19/3 UNITED [8] 1/1 1/4 1/11 1/14 3/5 3/8 16/4 20/9 University [1] 13/19 until [3] 7/15 9/12 9/15 untruthful [2] 3/24 3/25 untruthful -- you [1] 3/24 unwavering [1] 10/9 unwilling [1] 15/1 up [4] 5/10 13/15 18/17 19/13 upon [3] 16/12 17/4 17/17 urges [2] 7/25 13/11 us [1] 6/25 use [2] 13/12 15/23 user [5] 4/6 4/9 6/3 15/25 16/22 uses [2] 6/13 11/13 Usually [1] 8/3</p>
		V
		W

W

was [10] 8/14 10/22 11/4 11/9 13/21
14/11 14/12 14/14 14/16 17/5
wasn't [2] 8/14 12/20
way [5] 6/14 8/25 9/3 11/18 14/23
we [15] 5/13 5/15 5/21 5/25 6/20 6/22
6/24 7/4 7/15 9/8 9/16 9/22 11/11 13/9
19/23
we'll [1] 18/15
we're [1] 18/11
we've [2] 5/9 13/5
weak [1] 17/12
websites [2] 4/7 16/22
weekends [2] 10/17 11/16
weekly [1] 13/8
well [7] 5/9 7/12 10/10 10/17 11/18
11/20 14/16
went [3] 14/18 14/18 14/23
were [3] 3/24 3/24 16/14
what [9] 5/17 7/9 8/7 13/10 14/11 14/13
15/1 15/13 19/7
when [14] 3/18 3/22 3/23 3/25 4/5 5/25
8/14 9/9 10/20 14/22 14/23 18/2 18/7
18/22
whenever [1] 11/8
where [6] 9/9 10/15 10/19 13/11 18/7
18/22
which [1] 6/17
While [1] 16/19
who [4] 7/23 8/3 8/6 9/1
whole [1] 8/18
why [1] 17/17
will [7] 5/11 9/10 11/21 15/9 16/24
17/14 17/25
wish [2] 12/5 15/6
withdrawing [1] 11/10
within [5] 6/10 6/19 8/13 8/13 11/21
without [3] 4/7 6/1 16/22
Word [1] 2/11
work [3] 10/15 12/1 18/16
working [5] 8/16 8/19 11/17 13/10 14/1
works [1] 13/3
WORTH [7] 1/3 1/5 1/16 1/19 1/22
20/15 20/18
would [12] 4/23 5/21 5/23 6/20 6/24
7/15 9/1 9/19 10/4 10/13 12/11 19/9
written [1] 5/22
wrong [1] 10/20

Y

yahoo.com [2] 1/23 20/21
Yeah [1] 14/13
year [1] 11/8
years [5] 7/24 9/4 10/2 10/19 14/17
Yes [8] 5/12 9/23 12/6 12/10 14/10 18/3
18/20 19/24
you [66]
you'll [3] 18/5 18/21 19/17
you're [3] 18/14 18/16 18/25
you've [1] 15/1
young [1] 9/9
your [32]
yourself [1] 18/13
YouTube [2] 3/20 4/6